

Sponsor: Bilbrough
Final Reading: 3/7/2022

ORDINANCE #63-22

AN ORDINANCE AMENDING THE TOWN OF WYOMING LAND USE AND DEVELOPMENT CODE TO CLARIFY THE DESIGN STANDARDS FOR STREETS AND SIDEWALKS AND TO INCREASE THE FRONT YARD SETBACK REQUIREMENT IN THE R-2 ZONING DISTRICT

WHEREAS, the Town of Wyoming is authorized pursuant to 22 *Del. C.* Chapter 3 and Section 18.20 and Chapter 33 of the Town Charter to enact zoning and land development regulations in the Town of Wyoming;

WHEREAS, the Town of Wyoming enacted zoning and land development regulations by adopting the Land Use and Development Code of the Town of Wyoming on August 3, 2009;

WHEREAS, the Town of Wyoming is authorized pursuant to section 15-6 of its Land Use and Development Code to amend the text of the Land Use and Development Code after the amendment has been reviewed by the Planning and Zoning Committee and the Town Council has held a public hearing that was advertised in a newspaper of general circulation in the town at least 15 days prior to the hearing;

WHEREAS, in the opinion of the Town Council, it is necessary to amend the Land Use and Development Code to clarify the design standards for streets and sidewalks in order to improve pedestrian and vehicular safety and the flow of traffic;

WHEREAS, in the opinion of the Town Council, increasing the front yard setback in the R-2 district will result in increased driveway lengths that will improve the ability of residents to park vehicles in driveways, which will reduce congestion caused by the number of vehicles parked on streets;

WHEREAS, the Planning and Zoning Committee reviewed the proposed text amendment at its meeting held January 26, 2022, and recommended approval to the Town Council;

WHEREAS, a public hearing on the proposed text amendment was held before the Town Council on February 17, 2022, notice of which was published on February 1, 2022 in the Delaware State News (newspaper), being at least 15 days before the public hearing; and

WHEREAS, all members of the public were given an opportunity to comment on the proposed amendment to the Land Use and Development Code at the public hearing, and after hearing comments from the public and considering the proposed amendment to the text of the Land Use and Development Code, the Town Council believes it is in the best interest of the public health, safety, and welfare to adopt the changes more particularly detailed in this ordinance.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that the Land Use and Development Code of the Town of Wyoming is hereby amended as follows:

Section 1. Amend Section 5-1 (Basic Area Regulations) by making insertions as shown by underline and deletions as shown by strike through as follows:

Standard Zone and Dwelling Type	R-1 Zone	R-2 Zone		
	Single-Family Detached	Single-Family Detached	Semi-Detached	Townhouse
Tract Standards				
Tract Area	10,000 SF	5,000 SF	7,000 SF	20,000 SF
Maximum DUs Per Acre	4.0	8.0	12	15.0
Maximum DUs Per TH Row	N/A	N/A	2	6
Distance between Buildings or TH Rows (feet)	N/A	N/A	N/A	40
Street Frontage (feet)	In accordance with <i>Standards and Regulations for Subdivision Streets and State Highway Access</i> , Delaware Department of Transportation			
Lot Standards				
Lot Area Per DU (SF)	10,000	5,000	3,500	Interior = 2,000 End = 3,000
Street Frontage (feet)	In accordance with <i>Standards and Regulations for Subdivision Streets and State Highway Access</i> , Delaware Department of Transportation			
Lot Width at Front Property Line (feet)	65	50	40	20
Setbacks (feet)				
Front Yard				
State-Maintained Roads	35	35	35	35
Other	25	25 20	25 20	25 20
Side Yard	10	7	7	Interior = 0 End = 10
Rear Yard	25	25	25	25
Maximum Building Height to Top of Building (feet)	35	35	35	35
Maximum Building Coverage (Percent of lot area)	30%	45%	45%	45%

Section 2. Amend Article 12 (Streets, Sidewalks, Curbs, and Gutters) by making insertions as shown by underline and deletions as shown by strike through as follows:

G. Construction Standards—All streets shall be constructed to State standards.

H. Right-of-way and paving widths.

1. Streets. The minimum width of the right-of-way and the paving, measured from the edge of the paving and not including the width of the curb, shall not be less than (i) the existing street that the proposed street is a continuation of, or (ii) the following dimensions, whichever is greater:

<u>Street type required</u>	<u>Right-of-way</u>	<u>Paving</u>
<u>Arterial</u>	<u>80-100'</u>	<u>44'</u>
<u>Collector</u>	<u>60-80'</u>	<u>36'</u>
<u>Boulevard</u>	<u>70-80'</u>	<u>18' each way</u>
<u>Residential</u>	<u>50'</u>	<u>32'</u>
<u>Alley</u>	<u>20'</u>	<u>16'</u>

2. Cul-De-Sac. A cul-de-sac will not be approved when a through street design is practicable. The width of right-of-way and paving shall be based upon the number of lots to be developed and fronting on the street.

<u>No. of lots</u>	<u>Right-of-way</u>	<u>Radius turn around</u>		
		<u>Paving</u>	<u>Right-of-way</u>	<u>Paving</u>
<u>10 but not more than 20</u>	<u>50'</u>	<u>32'</u>	<u>50'</u>	<u>40'</u>
<u>9 or less</u>	<u>50'</u>	<u>24'</u>	<u>50'</u>	<u>40'</u>

3. Where the installation of a turn-around would cause undue hardship in land planning, a "T" shaped turn-around designed in accordance with DelDOT's "Rules and Regulations for Subdivision Streets" may be approved.

Section 3. Amend Section 12-2 (Sidewalks) by making insertions as shown by underline and deletions as shown by strike through as follows:

§ 12-2. Sidewalks

A. Requirements.

1. Every land-use application shall provide for sidewalks - unless the subject property is served by a type of street for which sidewalks are generally not provided.
2. Sidewalks shall be at least 5-feet wide.
3. Sidewalks shall be provided on both sides of every subdivision street except where it is proven to be unfeasible.
4. Sidewalks shall connect to existing sidewalks and/or be designed to facilitate easy connection to future development.

5. Sidewalks shall be dedicated as part of the right-of-way of all streets.
 6. Sidewalks shall be separated from the edge of road, pavement, driveways, and site entrances by a grass strip or landscape area of at least three feet in width.
- B. Construction Standards—All sidewalks shall be constructed to State standards.

Section 4. Amend Article 16 (Definitions) by making insertions as shown by underline and deletions as shown by strike through as follows:

STREET, ARTERIAL. A major thoroughfare designed to provide vehicular access to both local and regional traffic and generally owned and maintained by DelDOT.

STREET, BOULEVARD. A divided collector street utilizing one way traffic movements and divided by a minimum eight-foot-wide landscaped island.

~~STREET, COLLECTOR—A street that collects traffic from local streets and connects with minor and major arterials.~~ A secondary street designed to connect residential streets to the arterial street system. An example of a collector street is the main entrance into a residential subdivision.

STREET, PRIVATE—A street that has not been accepted by the Town or the State.

STREET, PUBLIC—A street that has been accepted by the Town or the State.

STREET FRONTAGE—See “Frontage.”

STREET, RESIDENTIAL. A minor or local street designed to serve residential lots fronting on it and to connect to a collector street.

Section 5. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Town Council’s intent.


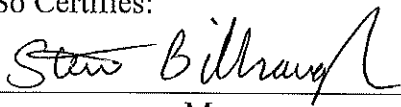
Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Town Council.

Synopsis

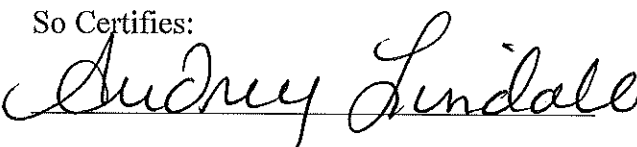
This ordinance amends the Land Use and Development Code of the Town of Wyoming to define different types of streets and establish width requirements of the streets. This ordinance increases the front yard setback for residential properties in the R-2 Zoning District to 25 feet. This

ordinance requires sidewalks to be separated from streets by a grassed or landscaped strip of land of at least three feet in width.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on March 7, 2022.

Attest:  So Certifies: 
Town Clerk Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on March 8, 2022.

3/8/2022 So Certifies: 
Date